

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed June 16, 2004 (Paper No. 18). Claims 35, 37 and 82 have been canceled without prejudice or disclaimer and Claims 33, 38, 40, 42, 43, and 71-81 and 83-95 are pending in this Application. Claims 33, 38, 40, 74, 76-78, 80-81, 85, 87-89, and 91 stand rejected under 35 U.S.C. §102(e) and Claim 35 stands rejected under 35 U.S.C. §103(a). Claims 42-43 and 92-95 were allowed and Claims 37, 71-73, 75, 79, 82-84, 86, and 90 were objected to as being dependent upon a rejected base claim. Applicants have amended Claims 33, 81 and 83 and provided remarks to overcome the rejection in this office action. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claim 35 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,498,841 issued to Rex Norman Bull et al. ("Bull") in view of U.S. Patent No. 6,477,240 issued to Kang S. Lim et al. ("Lim").

Bull discloses a method and system for providing audible call notification of a current call and a subsequently received call waiting call to a called party. In Bull, a called party, on an existing telephone call or upon answering a current call, is provided an enhanced call waiting message that includes a call waiting indicator and an audible representation of caller ID information, i.e., a text-to-speech conversion of the calling number and the party associated with the calling number or an identifying utterance obtained from the calling party. (Col. 8, Lines 58-65). In addition, the called party is presented with calling party's standard caller ID information on any Type II caller ID customer premises equipment, i.e., equipment capable of receiving both standard caller ID and caller ID for call waiting information, in use by the called party. (Col. 10, Lines 34-40). During an existing telephone call or upon answering a current call, the called party is also presented with a set, audible listing of call disposition options from which the called party may select to dispose of a call waiting or current call. (Col. 9, Lines 7-35).

Lim discloses a unified messaging system. As described in Lim, a unified messaging system unifies the various communication services that have, up to now, existed as separate services and permits a user to employ a single device, e.g., a telephone, to access the various communication services such as facsimile, page, email and the like. (Col. 6, Lines 12-17).

The unified messaging system of Lim is operable to receive a variety of communication connections, identify the type of communication being attempted, e.g., fax, email, page, voice, etc., and to process the communication connected in accordance with preexisting user communication option settings and without user intervention in all circumstances.

Claim 33, as amended, recites a method comprising “automatically updating a data set in a mediation subscriber profile for the called party in response to receiving the response identifying the selected one of the follow-through options, wherein the updating includes archiving at least one of:

identifying information of the calling party;

an availability status of the called party during a mediation process for the request for voice-based communication; and

information about the follow-through option selected by the called party during the mediation process.”

Applicants respectfully submit that the cited references fail to disclose every element of Applicants’ invention as amended. Further, there is no motivation, teaching, or suggestion to combine Bull and Lim. Bull and Lim, alone or in combination, fail to teach at least “automatically updating a data set in a mediation subscriber profile for the called party in response to receiving the response identifying the selected one of the follow-through options, wherein the updating includes archiving at least one of: identifying information of the calling party; an availability status of the called party during a mediation process for the request for voice-based communication; and information about the follow-through option selected by the called party during the mediation process,” as recited by amended Claim 33. In contrast, Lim merely discloses formatting and routing incoming messages to a particular subscriber or outbound messages from that subscriber in accordance with communication option settings stored in a database. (Col. 7, Lines 40-46). The communication option settings may only be changed if the subscriber, through predefined dialing sequences or verbal commands, indicates that he wishes to modify those settings. (Col. 9, Lines 27-32). The cited references, therefore, fail to disclose the recited limitations and cannot render obvious Claim 33.

Given that Claims 38, 40 and 71-80 depend from independent Claim 33, Applicants respectfully submit that Claims 38, 40 and 71-80 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 33, 38, 40 and 71-80.

Allowable Subject Matter

Claims 42-43 and 92-95 were allowed.

Applicants appreciate Examiner's consideration and indication that Claims 37, 71-73, 75, 79, 82-84, 86, and 90 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants have amended Claim 81 to include the limitations from allowable 82. Applicants respectfully request withdrawal of all rejections and allowance of Claims 81 and 83-91 as amended.


CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of Claims 33, 38, 40, 42, 43, and 71-81 and 83-95, as amended.

Applicants believe no fee is due for this response, however, if any fees are due, the Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
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